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ABSTRACT

This report covers the background, major issues, major recommendations, and agencies and associations represented at the National Invitational Conference on Consumer Protection in Postsecondary Education held at Denver, Colorado in June 1974. Major recommendations of the conference suggest that: (1) The states should provide by legislation or by administrative mechanism, minimal consumer protection safeguards. (2) The U. S. Office of Education should maintain continuous review of its standards utilized for designation of recognized accrediting bodies. (3) There should be created a federal tuition insurance corporation that would have as its essential purpose the protection of students and their records. (4) The Education Commission of the States should serve as a catalyst for the development of a clearinghouse of information that, in effect, would be a data bank of information of all postsecondary education programs. (5) There should be improved links of communication between consumer organizations and educational groups. Additional recommendations, the conference keynote address, and the conference concluding remarks are included. (MJM)

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CONSUMER PROTECTION IN POSTSECONDARY EDUCATION

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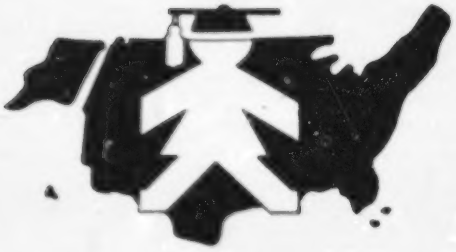

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THE REPORT OF THE NATIONAL INVITATIONAL CONFERENCE ON CONSUMER PROTECTION IN POSTSECONDARY EDUCATION

Denver, Colorado

Report No. 53
Education Commission of the States
Denver, Colorado
Wendell H. Pierce, Executive Director

June 1974

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I. Background

Postsecondary school administrators and students, governmental officials responsible for coordinating and/or regulating postsecondary education from the federal, state and local levels, together with accrediting agency representatives and consumer advocates met in Denver in March 1974 for a national conference on consumer protection in education beyond the high school. More than 200 attended the conference.

The general focus of the conference was:

- Rights of consumers of postsecondary education services in the United States.
- Needed safeguards, statutes and statewide regulations to insure delivery of postsecondary education services.

Postsecondary education in the United States is a $30-billion industry per year, according to the report of the National Commission on the Financing of Postsecondary Education, January 1974. As such, there is extensive diffusion of responsibility at the federal, state, regional, local, institutional and individual levels, including both the public and nonpublic sectors, in the delivery of postsecondary education services. Consumer protection mechanisms necessarily vary depending upon where the responsibility rests, as noted during the conference deliberations. This recognition of the scope and complexity of providing consumer protection in postsecondary education, together with the assembling of such a cross-section of responsible and concerned people, represents an important first step in enhancing consumer protection in postsecondary education.

Sensitive issues were discussed candidly. Helen E. Nelson, immediate past-president of the Consumer Federation of America and a director of the Consumers Union, observed, "The false cry of academic freedom can be held as a shield by educational entrepreneurs to force elected government representatives to back off from taking measures to give consumers a fair chance. . . . But not much longer. Consumer student advocates at the state level are insisting on equity."

William A. Goddard, executive director of the National Association of Trade and Technical Schools, said, "Consumer protection organizations are becoming aware of advertising and promotional efforts by respected universities, colleges and other traditional institutions that are soliciting prospective students through unorthodox and sometimes questionable tactics."

N. Edd Miller, president of the University of Maine at Portland-Gorham, wrote with a more positive perspective in a conference background paper: "And, finally, each institution, every one of us, has a real and present obligation to assess our own institutions, to be certain that we, individually, are providing the right kind of climate for effective learning, that we are doing the best job we can through our teaching programs, through our activities, through our service to people. If we take this task seriously and do it well, then we will be offering the right kind, the best kind, of protection to our consumers."

Accordingly, at the March conference student consumer protection issues in postsecondary education were identified. The need for improved safeguards in education consumer protection was demonstrated and specific recommendations were offered.

Prior to the conference, a series of preconference papers was prepared and mailed to those who had preregistered about two weeks prior to the conference. These background papers dealt with specific issues in postsecondary education consumer protection. Because of the character of the conference, the recommendations were developed by the participants at the meeting as individuals. That is, the recommendations ought not be viewed as recommendations of the sponsoring agencies or those agencies and associations represented at the conference. The recommendations came out of the work sessions and were reviewed by the conference as a whole. A draft of the report was mailed to the participants for their review but not for formal approval or vote.

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II. Major Issues Identified at the Conference

- How can improvements be brought about in relation to accurate and relevant information about postsecondary education services, institutions and programs so that the consumer of postsecondary education services might be more able to make informed judgments about postsecondary education, per se?

- What should be the public policy interest or involvement in the recruitment practices of postsecondary education institutions and their agents? At which level of government should this be manifested?

- Should the provision of a system whereby students, or other consumers, could air their complaints and be heard with regard to the delivery of postsecondary education services be a matter of public policy?

- Should there be, as a matter of public policy, provisions insuring the existence of a learning contract between postsecondary institutions and students which would spell out what the student might expect to receive from the institution and what the institution's expectations are of its students who matriculate?

- Should the refund and restitution policies of postsecondary education institutions be subject to minimum safeguards either through state law or administrative mechanisms at the statewide level?

- Are there consumers of postsecondary education services besides students, such as employers and the public at large?

- As the movement of collective bargaining in postsecondary education spreads, should the principal consumer, the student, generally be involved in the collective bargaining procedures?

• • •

III. Major Recommendations of the Conference

- That the states should provide by legislation or by administrative mechanisms, minimal consumer protection safeguards that would assure proper redress for every student residing in the state. Illustrative of minimal safeguards are:

    1. Equitable refund and restitution policies for tuition and fees.
    2. Licensing and bonding requirements for agents.
    3. Specifications for contractual relationships.
    4. Minimum standards relating to advertising and recruitment.

  Moreover, the U.S. Department of Health, Education and Welfare and the Veterans Administration should consider withdrawing funds from those schools that fail to comply with these minimal safeguards.

- That the U.S. Office of Education should maintain continuous review of its standards utilized for designation of recognized accrediting bodies, with issues of consumer protection in mind.

- That there be created a federal tuition insurance corporation that would have as its essential purpose the protection of students and their records when postsecondary schools close.

- That the Education Commission of the States serve as a catalyst for the development of a clearinghouse of information, which in effect would be a data bank of information on all postsecondary education programs. Such a data bank would enable students, prospective students, counselors and other consumers of postsecondary education services to make informed judgments regarding selection of institutions and/or the programs that would be responsive to their needs. Illustrative of such data would be requirements of admission, cost of attendance, refund policies, transferability of credit, actual job placement and other assistance available to graduates or those who attend such programs. (While it is recognized that a great deal of this information exists, there does not exist a comprehensive single source of this information systematically collected and updated for all of postsecondary education. It is in this context that the recommendation is offered.)

- That there be improved links of communication between consumer organizations and education groups; it is essential that the recommended information clearinghouse have this as an essential purpose. This would provide for sharing of information with groups such as regulatory agencies, accrediting associations, statewide coordinating agencies and federal agencies, all sharing vital information about postsecondary education institutions and their constituents with mutual understanding and trust.

- That in terms of advertising and recruitment, there should be disclosure by the schools based on their proven placement record and graduate assistance if such material is used as the basis for advertising or recruitment, actual or implied.

- That there be made available at each postsecondary educational institution adequate administrative procedures, involving student participation, for acting upon student complaints pertaining to institutional learning experiences as well as student complaints pertaining to institutional management of student life, activities or disciplines.

- That all postsecondary education institutions should consider offering some educational training and experiences which would familiarize students with their consumer citizen roles.

- That the report of the conference and its recommendations be disseminated to policymakers and educators at all levels, particularly legislators at the state level.

- That there be assembled a followup conference, with conferees being invited from the same representations as this conference, but smaller in number, in order to take four or five key recommendations and develop modes of their implementation, including assignments of responsibility.

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IV: Agencies, Associations and Institutions Represented at the Conference

Alabama Department of Education

American Association of Collegiate Registrars and Admissions Officers

American Association for Community and Junior Colleges

American Association of State Colleges and Universities—Four-Year Serviceman's Opportunity College

American Association of University Professors

American Occupational Therapy Association

American Osteopathic Association

American Podiatry Association

Anne Arundel Community College, Maryland

Arizona Board of Regents

Association of American Colleges

Association of Independent California Colleges and Universities

Association of Independent Colleges and Schools

Baltimore, Maryland Urban League

California Accrediting Commission for Junior Colleges

California Association of Paramedical Schools

California State University and Colleges Student Presidents Association

City University of New York

Cleveland State University, Ohio

College Entrance Examination Board

Colorado Aero Tech

Colorado Attorney General's Office

Colorado Board of Community Colleges and Occupational Education

Colorado Commission on Higher Education

Colorado Labor Community Agency

Colorado State University

Colorado Student Alliance

Community College of Denver

Coordinating Board, Texas College and University System

Delaware Department of Public Instruction

Denver Automotive and Diesel College

Denver Eastside Action Center

Environmental Protection Agency

Federal Aviation Administration

Federal Trade Commission

Federation of Regional Accrediting Commissions of Higher Education

Florida Board of Independent Colleges and Universities

Florida State University

Geneva College, Pennsylvania

Georgia Consumer Services

Illinois Board of Higher Education

Illinois Private Business and Vocational Schools, Department of Public Instruction

Illinois State Scholarship Commission

Indiana Accrediting Bureau of Medical Laboratory Schools

Indiana Private School Accrediting Commission

Indiana University

Iowa Department of Public Instruction

Johnson Associates, Inc.

Kansas Department of Education

Kansas State Senate

Kansas State University

Louisiana Attorney General's Office

Louisiana Consumer Protection Center

Maryland State Department of Education

Metro Denver D.A.'s Consumer Office

Metropolitan State College

Michigan Department of Education

Michigan Higher Education Students Association, Inc.

Middle States Association of Colleges and Secondary Schools

Minnesota Department of Education

Missouri Advisory Council on Vocational Education

Missouri Commission on Higher Education

Missouri Department of Education

Montana Department of Business Regulations

National Academy of Public Administration

National Association for Practical Nurse Education and Service, Inc.

National Association of Trade and Technical Schools

National Commission on Accrediting

National Computer Systems

National Institute of Education

National League for Nursing

National Student Lobby

Nebraska Attorney General's Office

Nevada Consumer Affairs Division

Nevada Department of Commerce

Nevada State Department of Education

New Hampshire Postsecondary Education Commission

New York State Education Department

North Carolina Department of Community Colleges

North Central Association of Colleges and Secondary Schools

Northern Illinois University

Northwest Association of Secondary and Higher Schools

Ohio Board of School and College Registration

Oklahoma State Regents for Higher Education

Oregon State Department of Education

Palm Beach, Florida, County Office of Consumer Affairs

Park College, Missouri

President Nixon's Consumer Advisory Council

Southern Association of Colleges and Schools

Southern Illinois University — Carbondale

Southern Illinois University — Edwardsville

Southern Methodist University

Southern Utah State College

The Sperry Hutchinson Company

Student Loan Guarantee Program of Arkansas

Student Loan Marketing Association

Student National Education Association

University of California Student Lobby

University of Colorado

University of Idaho

University of Maine at Portland-Gorham

University of Maryland

University of Nebraska—Lincoln

University of North Carolina

University of Pennsylvania

University of Pittsburgh

University of Tennessee

University of Wisconsin—Extension

Utah State House of Representatives

U.S. Civil Service Commission

U.S. House of Representatives Special Subcommittee on Education

U.S. Office of Consumer Affairs, HEW

U.S. Postal Service

U.S. Senate Committee on Veterans Affairs

U.S. Trade School

Virginia Community College System

Virginia Department of Education

Virginia Office of the Attorney General

Washington State Coordinating Council for Occupational Education

Washington State Senate Research Center

Western Association of Schools and Colleges

Western America Trade College

Wichita State University, Kansas

Wisconsin Attorney General's Office of Consumer Protection

Wisconsin Board of Vocational-Technical and Adult Education

Wisconsin Educational Approval Board

Conference Keynote Address

U.S. Representative Patricia Schroeder, Colorado

What is this "consumerism" and what is it we are protecting people from? Themselves? Each other? Schools?

I always thought education was something you could never get enough of — especially in today's economy where you might as well stay in school because there aren't any jobs anyway. Not something to be protected against.

Are the college dean and the proprietary school owner about to replace the used car dealer, the aluminum siding salesman, as the target of consumer anger and the butt of vaudevillian jokes?

Perhaps they already have. Perhaps that's why you are all here in Denver this week.

We ought to consider what consumerism is all about and from whence it springs.

A recent law review article[1] on consumer fraud and the criminal law said that protection against consumer fraud rests:

> ". . . on a philosophical conviction among citizens that they have a right to maximum opportunity and to minimal interference with the development of their potential, however that potential is defined. Consumerism's particular ingredients include the beliefs that food ought to be as pure and healthful as possible, that automobiles ought to run as smoothly as current technology will allow and that consumers ought to be treated in areas such as medical care with decency, courtesy and effectiveness. Consumerism includes a conflicting set of ideas about information; on the one hand, there is a feeling that consumers are intelligent enough to make wise decisions, provided they receive accurate information about things such as package contents and drug effects. There is the cognate idea that technological life has become so complex that no one can reasonably hope to protect himself, even with the most astute attention to his own interests, and that the state, as a servant of the people, ought to assume a protective role, using its resources to command the expertise necessary to carry out this function."

Another way of putting it is that it's like teaching the ducks to shoot back at the hunters.

The article went on to note the repetitive nature of consumer fraud behavior throughout recorded history. The Biblical prophet Micah inveighed against commercial exploitation; at Ecclesiastes 27:2 we find: "A merchant shall hardly keep himself from doing wrong, and as huckster shall not be freed from sin. . . . As a nail sticketh fast between the joinings of the stone, so doth sin stick close to buying and selling."

Most observers agree that prior to the industrial era consumer fraud and exploitation were thought of as religious, not civil, problems. Usury was forbidden by canon law but not by civil law.

It was not until 1473, for example, that the appropriation of goods by a middle man was included within the definition of theft.

The English historians, Pollock and Maitland, observe that 13th century English courts generally had "no remedy for the man who to his damage trusted the word of a liar." (Some would say we still don't have much of a remedy for that.)

In an 18th century case a British chief justice asked rhetorically, how can we indict one man for making a fool of another?

Perhaps it was this attitude which prompted Jonathan Swift to approvingly describe the following tradition in Lilliput, one of the countries visited by Gulliver:

> "[They] look upon fraud as a greater crime than theft, and therefore seldom *fail* to punish it with death; for they allege that care and vigilance, with a very common understanding, may preserve a man's goods from theft, but honesty has no defense against a superior cunning; and since it is necessary that there should be a perpetual intercourse of buying and selling, and dealing upon credit, where fraud is permitted and connived at, or hath no law to punish it, the honest dealer is always undone, and the knave gets the advantage."

Later Gulliver relates of his intercession with the emperor of Lilliput on behalf of a cheat who had run off with another's money. Gulliver offered, by way of mitigation, that the offense was only a breach of trust. The emperor, however, thought it was monstrous for Gulliver to offer, as a defense, the crime's *greatest* aggravation.

It was not until 1757 that England recognized Lilliput's consumer fraud law-and-order view by prohibiting the taking of goods or money under false pretenses. Even so, it was still only called "mere private cheating."

With the coming of the industrial age, we had the doctrines of "laissez faire" capitalism to contend with.

Perhaps the best comment showing the conventional attitude toward government control of private economic rights was this from former U.S. Supreme Court Justice Harlan Fiske Stone: "Any interference with the operation of the natural laws of greed," Stone said, was "subversive of liberty."

Stone failed to recognize that the natural laws of greed provide the inner dynamic for a lot more than simply the world of business. A graphic example of a pure free

market economy and the workings of the natural laws of greed is a street mugging. Survival of the fittest in its purest form.

But the forces of the market place, the forces of Mammon, have had to contend with the reformist movements and traditions in America — Jacksonian democracy, Populism, Progressivism, the muckrakers, the New Deal and the consumer movement of today.

Richard Hofstader described the role of this reformist tradition:

> "There has always been in the United States a struggle against those forces which were too exclusively preoccupied with the organization of economic life and the milking of our resources to give much thought to the human costs or to expend much sympathy on the victims of their work. [The reformist forces have thrown themselves into the fray] . . . at first to broaden the number of those who would benefit from the great American bonanza and then to humanize its working and help heal its casualties. Without this sustained tradition of opposition and protest and reform, the American system would have been, as in times and places it was, nothing but a jungle, and would probably have failed to develop into the remarkable system for production and distribution that it is."

You are here at this conference because of this humanistic reform tradition.

A recent Library of Congress study[2] traced the origins of our resurgent interest in consumer protection in the early 1960s.

First was the high inflation and unemployment in the late 1950s as well as evidence of price fixing on the part of monopolistic industries.

Senator Estes Kefauver, then chairman of the antitrust and monopoly subcommittee of the Senate Judiciary Committee, took a leadership role in investigating "administratively" set prices. Senator Kefauver introduced the first of many bills authorizing an independent consumer agency to, among other things, monitor prices.

Second came Senator Kefauver's investigations into the drug industry, which began with a look at drug prices and along the way uncovered startling information about drug safety. His proposed amendments to the Food, Drug and Cosmetic Act to tighten safety controls on drugs were, however, not passed until after the thalidomide tragedy in 1962.

Truth-in-lending legislation was another consumer breakthrough in that period. Although first proposed by Senator Paul Douglas of Illinois in 1959, and finally enacted into law in 1968, the senator's interest in the field harked back to his days with the Consumer Division of the National Recovery Administration during the Depression.

Pesticide problems carried consumer protection right onto our Thanksgiving table with the great cranberry scare of 1959. (If only Upton Sinclair had been around to write about it.)

Finally, in 1962 President Kennedy sent an historic presidential consumer message to Congress in which he proclaimed four consumer rights:

1. The right to safety.
2. The right to be informed.
3. The right to choose.
4. The right to be heard.

A proclamation repeated by Presidents Johnson and Nixon.

One of your preconference papers[3] effectively summarized three central goals of the consumer movement.

"The first is to hold accountable the person or organization to whom the consumer pays his (or her) money.

"The second is to achieve the right to participate in the decision-making process which establishes the basis of his relationship with the provider of the goods and services he (or she) uses.

"And third, is an insistence that government perform the role of umpire, arbiter, policeman — making for rules for traffic between consumer and seller and enforcing them fully and equitably."

So here we are today taking a look at, of all things, consumer protection in postsecondary education.

It is my understanding that this, in fact, is the first nationwide consumer protection conference to deal exclusively with education issues.

Perhaps your most fruitful work could be in identifying the issues that ought to be considered.

Who is it we are trying to protect? And from whom? Any why? And how?

A recent draft study[4] of the U.S. Office of Education Task Force on Educational Consumer Protection inventoried 25 possible education consumer concerns:

1. Degree mills.
2. Discriminatory refund policies.
3. Misrepresentation in selling, advertising, promotional materials, etc.
4. Abuse of federal programs of student assistance.
5. Lack of available jobs upon graduation.
6. Nondelivery of items or service contracted for.
7. Lack of provision for due process, appeal concerning injustices, etc.
8. Arbitrariness in administrative policies and procedures.
9. Severe and unwarranted regulation of student conduct, living arrangements, moral behavior, etc.
10. Imposition of noneducational requirements, such as certain religious practices and customs, upon students who do not wish to fulfill them.
11. Unrealistic academic requirements and practices, such as inaccurate grading systems, residence requirements, etc.

12. Imposition of unwarranted and sometimes unspecified fees and other charges.
13. Changing requirements during the life of the student's "contract" with the institution (e.g. changing degree requirements midstream).
14. Raising tuition abruptly and without adequate notice.
15. Excessively punitive charges for infractions such as loss of library books, lab equipment breakage, etc.
16. Holding up transcripts, diplomas, etc., for unwarranted reasons.
17. Lateness in obtaining qualified instructors, textbooks, equipment, classrooms, etc.
18. A host of minor frauds, such as: poor food in dining halls, inadequate academic or personal counseling service, inadequate student health service, listing of nonexistent faculty and courses in college catalogs, diversion of institutional resources to intercollegiate athletics and other luxuries, ineffective management of endowment and other assets, forcing faculty to subsidize education through low salaries, etc.
19. Use of outdated or obsolete equipment, textbooks, laboratories, etc.
20. Showing favoritism to individual or certain categories of students.
21. Administrative tolerance of outmoded practices such as student hazing, ritualistic destruction of property, etc.
22. Lack of adherence to promulgated standards, procedures, rules, regulations, etc.
23. Unwarranted substitution of contracted items (such as qualified professors, dormitory rooms, etc.).
24. Taking advantage of students because of their social status by using them as cheap labor, regularly requiring them to stand in long lines for registration, etc.
25. Overdoing the *"in loco parentis"* concept by direct and illegal interference with individual freedoms and human rights.

Five of these concerns were considered major:

1. Fraudulent and misleading advertising.
2. Misleading solicitation and recruitment practices.
3. Degree mills.
4. Tuition refund policies.
5. Federal education assistance programs such as the Federal Insured Student Loan Program.

This litany of grievances is notable first by its length and variety —the grievances range from the fraudulent to the inconvenient—and second by its recognition of consumer abuses at all kinds of postsecondary education institutions: from proprietary vocational education schools to Ivy League universities, from community colleges to correspondence schools—public and private, profit and nonprofit alike.

The list has something on it for everyone's bias.

Determining who to protect from whom is in a sense simply an ox-goring contest. Everyone has their favorite consumer abuse to attack and their favorite sacred ox to protect. The person with the biggest pike usually ends up doing most of the goring while his ox escapes unscathed.

Looking over your program, however, I am pleased with the variety of the participants. The Education Commission of the States is to be commended for drawing upon the resources of the state regulatory agencies, accrediting associations, federal regulatory agencies and executive offices, proprietary schools, state legislators, student groups, and universities and colleges.

All the oxen are here. As well as the potential protectors and the protectees.

If you can identify the problems, the abuses, the concerns, and establish some priorities — no easy tasks—you can begin to think about remedies.

Who *will* do the protecting? Who *can* do the protecting? And who *should* do the protecting? And how?

1. The consumers themselves—the students and potential students? Through intraschool grievance procedures; through private civil actions enhanced by provisions for attorneys fees and multiple damages; through more intelligent and prudent consumer decision making as a result of consumer education, and disclosure laws?

2. The education institutions themselves? Through self-regulation alone or through their professional associations and accrediting agencies?

3. The state governments? Through adoption of state legislation such as the model statute regulating postsecondary education institutions drafted by the Education Commission of the States? (I understand, by the way, that Montana has passed such legislation, and that the Tennessee and Washington legislatures are presently considering the model law.) And through more active and aggressive state regulatory agencies and attorneys general?

4. The federal government? Through more active and coordinated investigative, auditing and regulatory efforts on the part of the U.S. Office of Education, the Federal Trade Commission, the Veterans Administration and the U.S. Postal Service.

Unfortunately, the federal government has long had the habit—and the Congress and executive branch are coconspirators in this regard, and perhaps I ought to include state governments in the indictment —of acknowledging a problem or concern by showering it with buckets of money. The showering cere-

mony is usually accompanied by effusive incantations of outrage and hope. Outrage that the problem exists and hope that a sea of money will send it down for the third time.

Another time-honored approach, when we are short on money or buckets, is to strangle a problem in red tape.

Unfortunately, red tape, like tear gas, is indiscriminate. It chokes friend and foe alike.

And in any event, regardless of the amount of money expended, or regardless of whether the red tape is enlightened or onerous, if the agency responsible for administrating or auditing or enforcing a program fails in its task, it is a wasted effort.

Ralph Nader, a law-and-order hardliner if there ever was one, boiled his philosophy of consumer protection down to one sentence: "I have a theory about power, that if it's going to be responsible, it has got to be insecure."

Nader's remark is as much true of economic power, as it is of political power, as it is of education power.

I hope that each of you will leave this conference less secure and more responsible than when you arrived.

References

1. Geis & Edelhertz, *Criminal Law and Consumer Fraud: A Sociolegal View*, 11 Am C.L.Rev. 989 (1973). Most of the introductory historical references are taken from this fine article, and references will be found therein.
2. M. Hall, *Consumer Protection: Past, Present, and Future*, Monogram, Legislative Reference Service, Library of Congress (Nov. 2, 1973).
3. H. Nelson, *Consumer Advocacy and Student Consumer Protection in Postsecondary Education*, preconference paper, Program Handbook: National Invitational Conference on Consumer Protection in Postsecondary Education; Education Commission on the States (March 18-19, 1974).
4. *Educational Consumer Issues and the U.S. Office of Education: The Accreditation and Institutional Eligibility Staff*. Working paper OE/HEW (Jan. 26, 1973).

Conference Concluding Remarks

Richard M. Millard, Director, Higher Education Services
Education Commission of the States

This has been a most interesting conference all the way through. It has been an intensive conference. All of you have been heavily involved in the various aspects of it. This is a time for seriousness in relation to the issues of consumer protection in postsecondary education and a time for serious cooperation among the various groups that are represented here in achieving it. I think if the conference had done nothing else but bring together the diverse groups, it probably would have accomplished a great deal. This does not mean that vested interests have not appeared in the discussions. It is natural that they should. At the same time, as a part of this natural world it is important to know what these interests are and to be able to put them in a concrete context in relationship to the problems and the tensions that arise. The need for working together in spite of our diverse interests is in many respects more clearly underlined than ever before. I would like to carry this a bit further and see if I cannot put the conference in a somewhat different kind of perspective.

Sandra Willett this morning recalled Representative Schroeder's mention of sins. I think it is important to recognize that in a theological context sins also have counterpart virtues and that one of the fascinating things about the history of the world, not just the history of the consumer movement, is that particular issues and conflicts can only arise after a certain level of awareness has been reached. From this standpoint the very fact that we can discuss the kinds of issues that we have, that we can identify shortcomings, indicates a stage of virtue and level of awareness that constitutes growth. I would strongly suspect that this kind of conference could not have taken place 10 years ago, perhaps even five years ago, in quite the way in which it has, that is, a conference that does bring consumer groups, education groups, government groups together to talk about improving the conditions in postsecondary education, not as a caucus to condemn postsecondary education. If we had taken the route of condemnation we would have been defeating the very purpose for which we came together.

In the list of sins, I think there is a particular and frequently overlooked sin that needs to be put into the picture. That is the danger which can become a sin of oversimplification. It is awfully, awfully easy at times to find simple answers to complex problems, simple answers that do not fit. One of the things this conference has illustrated has been the fact that for certain specific problems, specific answers arise very quickly. But we are not concerned with specific problems of particular segments of education alone. Our concern is with the universe of postsecondary education, with its various components. It is a big universe with multiple types of institutions, multiple types of students, multiple types of consumers. We need to look at it in terms of these complexities, and to do so also will help underline the need at this time for an attack or an approach on multiple fronts rather than single fronts.

There has been major progress in protection of students. The agencies involved in this conference have each contributed to this progress of different ways. For example, the developments within accreditation alone over the last five or six years have been tremendous, and there will be developments in the near future that I think will encourage all of you. But accreditation is not the whole problem. There have been developments in relation to recognition of the difficulties and the importance of regulatory legislation or its lack in the various states. This is an extraordinarily important problem and one in which I hope the model legislation we have talked about can be used, not as a formula to be applied to each state regardless of the structure of that state but rather as a model which can be adapted to the uniqueness of the various states. Such adaptability in the light of difficult conditions is tremendously important.

I would like for us in these final moments of the conference to consider a series of complexities we face in any rational and adequate approach to consumer protection in postsecondary education. The first complexity is what might be considered as the complexity of institutions and programs. I think we have to remember that there are differences between universities and colleges. There are differences between community colleges and specific kinds of vocational schools. There are differences between nonprofit private institutions and proprietary institutions. All of these have an impact on the total picture. The types of programs we are concerned with run all the way from special programs designed for mechanics to doctoral programs for philosophers, and, since my field is philosophy, I do not really think that philosophy is something to be fully disregarded. There are differences between single-purpose institutions and multipurpose institutions, and these differences make a difference even in relation to such things as determining costs and accountability in relation to costs. For example, in complex universities, joint costs enter into the picture, and these are extraordinarily difficult to deal with. This does not mean that consumer protection is any less important in a complex university than it is in a single-purpose proprietary school, but it means that we at least have to be extraordinarily careful that we do not lump all institutions together and assume that the same formula or the same answer will necessarily apply without variation in different situations.

The second complexity is the complexity of levels of interest and involvement in the consumer protection situation itself. There are local involvements and institutional involvements. There are state involvements and there are federal involvements, and these are not all the same. They should be complementary. And part of our function, it seems to me, is to develop that complementarity. But in this context, also, I would like to point out that there are, though even some members of the august Congress of the United States tend to forget it, 50 different states, and it is extraordinarily dangerous to assume that they are all alike or to assume that a single formula will work for all 50. The problems are different in Nevada than they are in Maine, in North Carolina than they are in Illinois. The problems in California are different than the problems in Arizona. Some problems may be analogous, but they are not identical. Not to keep the differences in states in mind, just as in the case of institutions, is to court disaster.

Another area of complexity is that of the agencies and the persons interested in the consumer movement itself. The very variety of groups present at this conference illustrate this more than anything else we could point to. If this conference accomplishes nothing more, and I hope it will accomplish a great deal more, than bringing these groups together to open continuing discussion between the consumer groups and the education community, among the education groups, and between the consumer community and the political community, I think it will have been well worth while.

A third major complexity that cannot be overlooked is the complex role of students themselves. The student is consumer, but he is a good deal more. There is very clearly a difference between the student as consumer in relationship to his education and the student as person and consumer in relation to General Motors or Post Toasties. The student's relation to his education is a much more complex relation. The student himself is involved in a unique way in the process of his education. He is not only consumer, he is participant and he is product. As product he is not just a future employe, although he is certainly this. He is concerned with life work, but the most disastrous thing that can happen to an individual is to be only a job. His life work is a tremendously important part of living, but essential even to career plan, is life attitude, life style and life enrichment. This changes the equation somewhat and makes it far less easy to say that all problems can be answered by any simple kind of formula. I would strongly suggest that a good many students might object to being considered only as consumers. I would object to being considered only as a consumer although the consumer part of my life is an extraordinarily important part. This does not in any way denegrate consumer protection in post-secondary education, but it does involve the recognition that the problem we are dealing with, while an essential problem, does have to be related to the other aspects of personality, other aspects of life involvement. Education is not simply preparation for a job. It is preparation for life. This in fact underlines even more clearly the importance of life work, but I think it also underlines the need for recognizing that we are dealing not just with a consumer in the abstract sense of consumerism. We are dealing with persons who have a good many characteristics that need to be put together if they are to become whole persons.

Finally, I would like to suggest not only that there is a complexity of consumers but that there may be a complexity of approaches to problems of consumers. Here again we need to approach the problems of consumer education recognizing a series of these different levels of concern. A number of people have pointed out the importance of consideration of the ethical level, and by ethics in this context I do not mean rules of conduct—I mean life attitude; I mean ability to reason; I mean ability to look at things in perspective. One of our problems, as has been pointed out again and again, underlined by President Kennedy and re-emphasized by Representative Schroeder, is that we have not created yet the societal complex which is wholly supportive and dedicated to the rights of the consumer. We have a long way to go in changing attitudes. Changing such attitudes, it seems to me, is fundamental to the effectiveness of any regulatory procedures. We have, in other words, first an attitudinal problem, an ethical problem and a problem in principles.

Second, we need to approach the problem on the educational level as well, and, by education in this sense I mean the broader sense of education, our education of each other, our education of the political community, yes, even our education of various parts of the consumer community in terms of awareness of problems and their complexity and the willingness to face these problems and do something about them.

Then there's a third level that has been well emphasized in some of the recommendations coming out of this meeting. While this level sounds on the surface like the educational level repeated, I think it can be distinguished from it. This is the informational level. The informational level involves availability of the basic information which makes it possible for the consumer-student to choose effectively. The conference has produced a series of recommendations on this level, including development of an information clearinghouse and community centers to make the information more directly available.

The fourth level is the regulatory level. As has been pointed out, the regulatory level is in some respects negative. Because we are all human, it has to be negative to some degree. The regulatory level is extraordinarily important. Its function, however, is not wholly negative for we can, I think, turn the situation around and say that the function of regulation is not simply

punitive, but is also to help create the structural conditions under which people and institutions with principle can operate effectively. If you do this it puts even model legislation or the legislation within the states in a wholly different positive context.

We have a terrific education job to do. We have only started. We do have a regulatory job to do, and it is important that the states be reinforced in developing appropriate legislation and regulations. There is a federal role in this as well. But all of these approaches and concerns are in danger of losing their meaning if they are abstracted from each other.

Finally, where do we go from here? A number of specific steps have been proposed by this conference, and all of these will be taken into account. I think together we will be able to follow through on the recommendations. I do not think the Education Commission of the States can do it alone. I am sure it cannot. It will take the cooperation of everyone, every group represented here and a great many other people as well. There are specific recommendations that can be carried out and these are tremendously important. However, far more important than any of the specific recommendations from this conference, and the kind of charge that I would lay on all of us, including myself, is the importance of continuing the mutual education and involvement of all the groups represented here and elsewhere concerned with consumer protection in postsecondary education. If this happens, if this is a beginning of such communication, then I think we are well on the road to something important. If the only thing that comes out of this meeting, on the other hand, is specific recommendations such as that laws should be passed in the states, as important as that is, I think we will have missed what this conference was really about.

Let us really make this conference a beginning and not an end in itself.